

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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| UNITED STATES OF AMERICA, | : | Docket No. 17-119 (NLH) |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| SANTOS COLON, | : | APRIL 2020 AMENDED |
| | : | CONDITIONAL RELEASE |
| | : | ORDER |
| Defendant, | : | |
| | : | |
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Santos Colon, through his attorney, Richard Coughlin, Federal Public Defender, having filed a motion for an Amended Order of Conditional Release, and with no objection from the government, and the Court having previously executed an Amended Order of Conditional Release on March 20, 2019, and having entered orders August 20, 2019 and December 3, 2019 which modified the March 2019 Amended Order of Conditional Release, and upon consideration of the record that has developed since the entry of the March 2019 Amended Order of Conditional Release, the Court finds that, continued release of Santos Colon under the conditions specified below, does not present a danger to the community or present a risk of nonappearance at future court proceedings.

Accordingly, the Court orders that the Amended Order of Conditional Release executed on March 20, 2019 is vacated and replaced by an April 2020 Amended Order of Conditional Release, subject to the following conditions:

- 1) Santos Colon shall continue under the supervision of Pretrial Services and shall comply with directions, instructions, and orders issued by Pretrial Services, including any orders or instructions to report to that Office or to Court.
- 2) Santos Colon shall participate in a location monitoring program as directed by Pretrial Services. Such monitoring shall include global positioning system (GPS) and/or radio frequency (RF) technology at the discretion of the Pretrial Services Office. GPS and/or RF technology monitoring shall not be removed until further order from the Court.
- 3) Consistent with paragraph 14 of the Plea Agreement, Santos Colon's request for transfer to a new location, *i.e.* to reside with his parents at their home, is granted. While residing at his parent's residence, Santos Colon and his property will be subject to search and inspection by his parents and Pretrial Services. Mr. Colon's parent's having previously been approved to serve as third party custodians shall report any violation of the release conditions to Pretrial Services. Santos Colon shall not be permitted to leave his parent's residence except as authorized by Pretrial Services. Placement at his parent's residence is appropriate because it has been recommended by his treatment team and provides an environment that affords Santos Colon access to needed treatment services, including mental health treatment, while also ensuring the safety of the community and the appearance of Santos Colon at any future court proceedings. Consistent with paragraph 14 of the Plea Agreement, Santos Colon may not be transferred or otherwise placed in any other treatment facility or residence without further order of the Court.
- 4) Santos Colon may leave the residence in the company of any escort approved by Pretrial Services for educational, medical, legal, religious, recreational, or other purposes and activities approved by Pretrial Services. Any escort approved by Pretrial Services must agree to assume the responsibilities of third-party custodian while Santos Colon is in the company and care of such escort or escorts. Such escorts may include an

approved mentor, treatment providers, Santos Colon's parents, and such other individuals specifically approved by Pretrial Services. With respect to Santos Colon's parents, any excursion from the residence may include overnight stays if approved by Pretrial Services. The duration of any such visits is subject to approval by Pretrial Services.

- 5) Santos Colon shall participate in and comply with mental health treatment and evaluation as directed by Pretrial Services. Such treatment may include but is not limited to psychological/psychiatric counseling and treatment, behavioral counseling and treatment, family counseling, and a regimen of prescribed medications.
- 6) Santos Colon shall participate in any educational program as approved by Pretrial Services. Santos Colon shall abide by the rules of such educational program and shall not leave the premises of such educational facility except for educational or medical purposes and only with prior approval of Pretrial Services. The educational program shall supervise Santos Colon while he is present and report any violations of release conditions to Pretrial Services.
- 7) Should Santos Colon obtain a valid New Jersey Driver's License, he shall be permitted to operate a motor vehicle subject to the conditions, regulations and rules that apply to any other similarly licensed driver. In addition, any motor vehicle travel by Santos Colon, must first be approved by Pretrial Services. The prior approval requirement applies to travel undertaken by Santos Colon as the lawful driver or as a passenger in a taxi, car service, or other pay-for-service vehicle. Santos Colon must report any police contact, including any motor vehicle stops, to his Pretrial Services Officer within 48 hours of the contact.
- 8) Santos Colon shall not possess or use a computer as defined in 18 U.S.C. § 1030(e) and shall not access on-line (Internet) services except as authorized by Pretrial Services. Santos Colon shall provide education staff, treatment providers, Pretrial Services, and federal agents working in conjunction with Pretrial Services, access to his person, place of residence, and place of employment, place of education to allow monitoring of this condition.

- 9) Santos Colon shall not associate in any manner with individuals or organizations involved in or advocating violent, extremist, or terrorist activity, including by means of electronic communications.
- 10) Santos Colon shall provide Pretrial Services access to any requested financial information, including credit reports, credit card bills, bank statements, and telephone bills. Santos Colon shall not acquire or use any credit card, debit card, or access any credit through any means without prior approval of Pretrial Services. Santos Colon shall not accept any monetary funds or instruments of any value from third parties without the prior approval of Pretrial Services. He shall immediately (within 4 hours) report to the Pretrial Services Officer any access to monetary instruments made available to him.
- 11) Santos Colon shall comply with all of the following general conditions of pretrial release, including:
 - a. He shall appear at all proceedings as ordered by the court and shall surrender for service of any sentence imposed.
 - b. He shall not commit any federal, state, or local crime.
 - c. He shall not harass, threaten, intimidate, injure, tamper with, or retaliate against any witness, victim, informant, juror, or officer of the Court, or obstruct any criminal investigation.
 - d. He shall surrender all passports and visas to Pretrial Services and shall not apply for any passports or other travel documents.
 - e. He shall not possess any firearm, destructive devices, or other dangerous weapon.
 - f. He shall not use alcohol and shall not use or possess any narcotic or other controlled substance without a legal prescription. He shall also submit to random drug and alcohol testing at the direction of Pretrial Services.

IT IS FURTHER ORDERED that the Court will convene regular status conferences at a time and frequency determined by the Court to address Santos Colon's status and progress including his medical and/or psychiatric treatment, education, and compliance with the conditions of release. To that end, and in accordance with Paragraph 15 of the Plea Agreement, any educational program or treatment provider shall provide Pretrial Services, counsel for the United States, and counsel for Santos Colon with unfettered access to any notes, records or reports relating to or created in connection with the treatment and education of Santos Colon. Any approved treatment provider and any education program shall, if requested, provide Pretrial Services with periodic review meetings relating to Santos Colon. At their discretion counsel for the United States, counsel for Santos Colon, or representatives of their offices may also participate in such meetings.

IT IS SO ORDERED.

s/ Noel L. Hillman
NOEL L. HILLMAN
United States District Judge

Date: 4/28/2020